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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,956	11/13/2001	Manuel Barbosa	11017-0006	6385

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CLARK & BRODY  
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EXAMINER
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NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,956

Applicant(s)

BARBOSA, MANUEL

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152) \_\_\_\_\_.
- 6) ☒ Other: Drawing marked up copies.

*Christopher P. Schwartz*  
CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER

## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on 2/20/03. These drawings are not approved. The followings are objections to the newly submitted drawings:

- Numeral references 18, 20, 50 and 44 point the wrong parts.
- Figure 1 is confusing due to the inconsistency in the use of the phantom lines and the solid lines to indicate the locations of the parts. For example, portions of rods 32, 34 are behind lever ends 36, 38. However, they are not illustrated with phantom lines. The Examiner urges the Applicant to carefully reviewing both Figures 1 and 2 and to correct this deficiency.
- Moreover, in figure 2, the phantom lines are used to indicate movement of the levers. However, there is no explanation to these phantom lines in the specification.
- Enclosed are the marked up copies of the drawings with more deficiencies.
- Furthermore, is "40" one spring connecting the two levers or two separate springs?

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "F" and "A" in figure 2.

3. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the

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Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. Further reviewing of the specification shows the following confusion in the specification:

- Page 4, lines 5 and 6 of paragraph 16 state that "A spring 28 is connected between the ends of levers to hold the ends 22 and 24 to surfaces 18 and 20." while page 5, lines 4-10 of paragraph 20 indicate that only one lower end of the brake shoes would contact anchor 14; moreover, page 6, lines 2-4 of paragraph 21 show lower ends of the levers maintain contact with anchor 14. As illustrated in figure 1, spring 28 is pulling both lower ends of the brake shoes 8 to contact anchor 14. Levers 10 are connected to shoes 8 at bolts 12. As illustrated, it is not possible for the brake shoes 8 to contact anchor 14 with only one end at a time while the two levers are contacting the anchor 14 at all times.

It is required that the Applicant explains the relationship between the anchor 14, the levers 10 and shoes 8. It is further required that the drawings be corrected to reflect this explanation.

### ***Claim Objections***

5. It is called to the Applicant's attention that claim 10 was included in the original disclosure. Hence, the newly submitted claim 10 is not a new claim as stated in the

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amendment dated 2/20/03. The newly submitted claim 10 is being treated as an amended claim, now depending from claim 1 and not from claim 7.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4, 7, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chouings.

Chouings shows a brake system in figure 4, as in the present invention, comprising: a back plate 187; first and second actuating levers/shoes 175, 176 arranged for radial movement; first anchor 185 fixed to said back plate and engaging first ends 181, 182 of said actuating levers and adapted to engage a first end 181 of a said brake shoe during braking; a second anchor 177 engages a second end 180 of a said brake shoe during braking; an activating element 183 engaging second ends 179, 180 of said levers and adapted to urge said levers apart during braking.

Re: claim 4, Chouings shows in column 1, lines 20-24 that the compound shoes would have inner parts and outer parts. These parts are inherently secured to each other by pins in order to facilitate movement between them.

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Re: claim 10, Chouings shows in column 7, lines 62-66, that a stop (i.e. attachment element) can be used to prevent rotation of anchor 185. By stopping anchor 185, said stop would inherently be primarily in shear during braking.

Re: claim 7, the discussion of the rejection of claim 1 above meets all the limitations of claim 7.

Re: claim 12, Chouings shows in column 7, lines 62-66, that a stop (i.e. attachment element) can be used to prevent rotation of anchor 185. By stopping anchor 185, said stop would inherently be primarily in shear during braking.

8. Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto.

Yamamoto shows a brake system, as in the present invention, comprising: first and second actuating levers 52, 62; brake shoes 16, 18; a link 26; a parking lever 30 as claimed. Yamamoto further shows links 26 to be adjustable.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chouings in view of Yamamoto.

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Re: claims 2 and 3, Chouings' brake system, as discussion in the rejection of claim 1 above, lacks an adjuster and a parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster. Yamamoto teaches an adjuster 26 and a parking lever 30 wherein said parking lever 30 is attached to one of the actuating levers and is engaged with the adjuster 26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chouings' brake system with an arrangement comprising an adjuster and a parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster as taught by Yamamoto in order adjust the brake shoes in relation with the drum as the shoes wear.

Re: claims 8 and 9, Chouings' brake system, as discussion in the rejection of claim 7 above, lacks an adjuster and a parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster. Yamamoto teaches an adjuster 26 and a parking lever 30 wherein said parking lever 30 is attached to one of the actuating levers and is engaged with the adjuster 26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chouings' brake system with an arrangement comprising an adjuster and a parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster as taught by Yamamoto in order adjust the brake shoes in relation with the drum as the shoes wear.

11. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chouings.

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Chouings' brake system, as discussed in the above rejections of claims 1 and 7, is silent of one or more rivets. It is noted that a rivet would be capable of performing the task of stopping anchor 185. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a rivet as a stop for anchor 185 since a rivet is cost effective and readily available to perform the task of stopping the motion of an anchor.

### ***Response to Arguments***

12. Applicant's amendment and response, dated 2/20/03, have been considered but are not persuasive. Applicant argues that Chouings' lever 185 is not the same as the instant invention's levers 10. Chouings' element 185 is not cited as the lever but as an anchor comparable to the instant invention's anchor 14. Chouings show levers 175, 176 with brake shoes (not numbered) attached to each lever. Chouings' levers 175, 176 are arranged for radial movement as Applicant's levers 10. The Examiner understands that the instant invention's levers 10 are illustrated differently than Chouings' levers 175, 176. However, claims 1 and 7 do not have any specific details to distinguish Applicant's levers 10 from Chouings' levers 175, 176. Hence, the rejection is still deemed proper and is repeated above.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347.

The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

XLN

XLN  
April 23, 2003

CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER  
